

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of

James A. SATCHELL, Jr. et al

Confirmation: 6147

Serial No.: 09/686,626

Group Art Unit: 2121

Filed: October 12, 2000

Examiner: GARLAND,
STEVEN R

Reissue of U.S. Patent 5,822,216

For: **VENDING MACHINE AND COMPUTER ASSEMBLY**

SUPPLEMENTAL DECLARATION UNDER 37 CFR 1.131
OF JAMES SATCHELL, JR.

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I, James A. Satchell, Jr., am over the age of twenty-one years and if called to testify would be fully competent to testify as to the following:

1. All statements made herein are based on personal knowledge;

2. I am the same James A. Satchell, Jr., who is a co-inventor of the above-identified patent being reissued by the above-identified reissue application, and the same person who has already filed several Declarations under 37 CFR 1.131 in an attempt to antedate the cited Sokal document (U.S. Patent 5,953,504) having a filing date of 10 October 1995, being applied as prior art against our claims;

3. That during a telephone interview conducted by the inventors and their counsel on September 9, 2009, with Examiner Garland and SPE DeCady and Ms. Chaki on behalf of the USPTO, a question arose concerning the filing of an Amendment to the specification in U.S. Serial No.:429,583 filed August 17, 1995 (a predecessor application to the patent being reissued) bearing a PAIR filing date of November 8, 1995, and a hard copy bearing a USPTO mailroom date stamp of December 26, 1995.

4. Based on my recollection the November 8, 1995, filing was done by facsimile, with a subsequent mailing of a hard copy to the USPTO by first class mail; and in response to Ms. Chaki's inquiry as to whether I have a USPTO facsimile receipt, it is my understanding that prior to creation of the centralized facsimile number on December 1, 2003, no automated receipt of facsimile was sent out by the USPTO – See MPEP 502.01 Rev. 5, August 2006 (Exhibit 1).

5. That I attached as Exhibit 2 a copy of my notes from 1995 including the only facsimile number and contact person that I had at the USPTO at this relevant time which were “FAX 703-308-2840 CONTACT PERSON : MRS. STROUD” and I believe this was the facsimile number to which I faxed the November 8, 1995, filing.

6. I recall making the copy of the paper that was to be the hard copy at Tuskegee University and at least some of the papers, i.e. the “drawings” were of the “blueprint” format i.e., a white paper printed with a blue ink.

7. It is my recollection that this “blueprint” format was what was mailed to the USPTO as the hard copy as referred to in paragraph 3 above.
8. From reviewing the USPTO PAIR page immediately before preparing this Supplemental Declaration it does not appear that the paper mailroom date stamp December 26, 1995, is the “blueprint” format that I had mailed to the USPTO by first class mail as referred to in paragraphs 4 and 5 above.
9. I do not recall the exact day that I put the hard copy referred to in paragraph 4 in the U.S. mails but it is my clear recollection that I did mail the hard copy to the USPTO subsequent to filing a copy by facsimile on November 8, 1995.
10. Ms. Chaki also questioned what was meant by the term “host office” as used in the Declarations.
11. A “host office” as used in the Declarations meant a site from which it is possible to bring plurality of vending machines into operation according to the invention i.e., by providing them with the operative servers, communications links (cable, wireless, and/or telephone) to permit two way interaction of a patron at the vending machine with other websites, homepages and other online computer services.

12. This “host office” site was being constructed as an effort to reduce the invention to practice, i.e., to permit us, as inventors, to operate a plurality of vending machines according to the invention as described, for example, in our U.S. Patent 5,822,216 at column 1 line 67 to column 2, line 4.
13. Therefore, when I described in my previous Declaration as working “at” the host office, I meant to convey the understanding that I was “building”, “constructing” and otherwise “creating” from an undeveloped lot, through excavation, building a foundation to construction of a building, communications cabling; webcasting studio; and related utilities, this host office which was to be the operational site by which individual vending machines were linked to servers, communications links to place the invention into practice. For example, I laid block on the footings of the foundation on the site that was to become the “host office” each day during the week of December 11-15, 1995. As explained in the Supplemental Declaration of my co inventor, Dr. Johnson Asumadu, submitted herewith, the physical site was at the highest elevation in Tuskegee AL thereby being an ideal site for communications antennae.

13. FURTHER DECLARANT SAYETH NOT.

I further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the reissue application or of any reissue patent to issue thereon.

Date

09/17/09

James A. Satchell Jr.

James A. Satchell, Jr.

Residence: Tuskegee, Alabama

Citizenship: United States

Post Office Address: 1490 County Road 36, Tuskegee, Alabama 36083

EXHIBIT 1

I. CENTRALIZED FACSIMILE NUMBER FOR OFFICIAL PATENT APPLICATION RELATED CORRESPONDENCE

A. Central Number

Effective December 1, 2003, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, with a few exceptions below. The central facsimile number is (571) 273-8300. Replies to Office actions including after-final amendments that are transmitted by facsimile must be directed to the central facsimile number. Unofficial correspondence such as draft proposed amendments for interviews may continue to be transmitted by facsimile to the Technology Centers (TCs). Office personnel should not use their personal facsimile numbers for official application related correspondence. Office personnel that inadvertently receive official application related correspondence on a personal facsimile number must either route (do not forward) the correspondence to the official central facsimile number or they may, with applicant's (or applicant's representative) permission, make the facsimile amendment part of an examiner's amendment.

B. Correspondence Which May Be Sent by Facsimile to Other Than the Central Facsimile Number

For each Office location listed below, only the particular type of correspondence indicated may be transmitted to the specific facsimile number at that Office location. All other types of facsimile transmitted correspondence must be sent to the central facsimile number ((571) 273-8300).

(1) ** PCT Operations and PCT Legal Administration

Correspondence subsequent to filing in an international application before the U.S. Receiving Office, the U.S. International Searching Authority, or the U.S. International Preliminary Examining Authority:

-- Papers in international applications: (571) 273-3201 facsimile number

-- Response to Decisions on Petition: (571) 273-0459 facsimile number

Note: An international application for patent or a copy of the international application and the basic national fee necessary to enter national stage, as specified in 37 CFR 1.495(b), may not be submitted by facsimile. See 37 CFR 1.6(d)(3) (referencing 37 CFR 1.8(a)(2)(i)(D) and (F)). Subsequent correspondence may be transmitted by facsimile in an application before the U.S. Receiving Office, the U.S. International Preliminary Examining Authority, or the U.S. International Preliminary Examining Authority, but it will not receive the benefit of any certificate of transmission (or mailing). See 37 CFR 1.8(a)(2)(i)(E). Correspondence during the national stage, subsequent to **>entry< are handled in the same manner as a U.S. national application.

*>-- The PCT Help Desk:

(571) 273-0419 facsimile number

(571) 272-4300 telephone number

(2) <Office of Patent Publication

Payment of an issue fee and any required publication fee by authorization to charge a deposit account or credit card, and drawings: **>(571) 273-2885< facsimile number

Note: Although submission of drawings by facsimile may reduce the quality of the drawings, the Office will generally print the drawings as received.

*>Office of Patent Publication telephone numbers to check on receipt of payment: (571) 272-4200 or 1-888-786-0101

(3) <Office of Pre-Grant Publication

Petitions for express abandonment to avoid publication under 37 CFR 1.138(c), and Requests for express abandonment under 37 CFR 1.138: (703) 305-8568 facsimile number

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(4) <Electronic Business Center (EBC)

Requests for Customer Number Data Change (PTO/SB/124), and Requests for a Customer Number (PTO/SB/125): (571) 273-0177 facsimile number

*>Note: The EBC may also be reached by email at: ebc@uspto.gov. EBC telephone number for customer service and assistance: 866-217-9197

(5) < Assignment Branch

Assignments or other documents affecting title:
(571) 273-0140 facsimile number

Note: Customers may submit documents directly into the automated Patent and Trademark Assignment System and receive the resulting recordation notice at their facsimile machine. (Assignment documents submitted through the Electronic Patent Assignment System also permit the recordation notice to be faxed to customers.) Credit card payments to record assignment documents are acceptable, and use of the Credit Card form (PTO-2038) is required for the credit card information to be separated from the assignment records. Only documents with an identified patent application or patent number, a single cover sheet to record a single type of transaction, and the fee paid by an authorization to charge a USPTO deposit account or credit card may be submitted via facsimile. Additional information regarding the submission of assignment documents via facsimile may be obtained from the USPTO web site at <http://www.uspto.gov/web/offices/ac/ido/opr/ptasfax.pdf>

*> Assignment Branch telephone number for assistance: (571) 272-3350

(6) < Central Reexamination Unit (CRU)

>*Ex parte* and <*Inter partes* reexamination correspondence, except for the initial request: **>(571) 273-9900< facsimile number

Note: **>Correspondence related to reexamination proceedings will be separately scanned in the CRU.

CRU telephone number for customer service and inquiries: (571) 272-7705<

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(7) < Board of Patent Appeals and Interferences

Correspondence related to pending interferences permitted to be transmitted by facsimile (only where expressly authorized, see 37 CFR 1.6(d)(9)): (571) 273-0042 facsimile number

Note: Correspondence should not be transmitted to this number if an interference has not yet been declared.

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(8) < Office of the General Counsel

Correspondence permitted to be transmitted by facsimile to the Office of the General Counsel: (571) 273-0099 facsimile number

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(9) < Office of the Solicitor

Correspondence permitted to be transmitted by facsimile to the Office of the Solicitor: (571) 273-0373 facsimile number

*>

(10) < Licensing and Review

Petitions for a foreign filing license pursuant to 37 CFR 5.12(b), including a petition for a foreign filing license where there is no corresponding U.S. application (37 CFR 5.13): (571) 273-0185 facsimile number

Note: Correspondence to be filed in a patent application subject to a secrecy order under 37 CFR 5.1 to 5.5 and directly related to the secrecy order content of the application may not be transmitted via facsimile. See 37 CFR 1.6(d)(6).

*>

(11) < Office of Petitions

Petitions to withdraw from issue: (571) 273-0025 facsimile number

Note: All other types of petitions must be directed to the central facsimile number (571) 273-8300. Petitions sent to the central facsimile number should be marked "Special Processing Submission."

>

(12) Office of the Enrollment and Discipline

Correspondence permitted to be transmitted to the Office of the Enrollment and Discipline: (571) 273-0074 facsimile number

(13) Office of Finance

Refund requests, deposit account inquiries, and maintenance fee payments: (571) 273-6500 facsimile number

Office of Finance telephone number for customer service and inquiries: (571) 272-6500

(14) Office of Public Records

Requests for certified copies of Office records may be transmitted to: (571) 273-3250 facsimile number

The Office of Public Records' Document Services Division telephone number for customer service and inquiries: (571) 272-3150<

EXHIBIT 2

DATE MAILED:

05-14-05

NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above identified application papers for the reason(s) shown below.

The specification (description and claims):

- a. is missing
- b. has pages _____ missing
- c. does not include a written description of the invention.
- d. does not include at least one claim in compliance with 35 U.S.C. 112.

A complete specification in compliance with 35 U.S.C. 112 is required.

2. A drawing of Figure(s) _____ described in the specification is required in compliance with 35 U.S.C. 111.
3. A drawing of applicant's invention is required since it is necessary for the understanding of the subject matter of the invention in compliance with 35 U.S.C. 113.
4. The inventor's name(s) is missing. The full names of all inventors are required in compliance with 37 CFR 1.41.
5. Other:

All of the above-noted items, unless otherwise indicated, must be submitted within **TWO MONTHS** of the date of this notice or the application will be returned or otherwise disposed of. Any fee which has been submitted will be refunded less a \$_____ handling fee. See 37 CFR 1.53(c).

The filing date will be the date of receipt of all items required above, unless otherwise indicated. Any assertions that the items required above were submitted, or are not necessary for a filing date, must be by a petition directed to the attention of the Office of the Assistant Commissioner for Patents accompanied by the \$_____ petition fee (37 CFR 1.17(h)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

Direct the response and any questions about this notice to, Attention:
Application Processing Division, Special Processing and Correspondence Branch.

A copy of this notice MUST be returned with the response.

SPATZELL'S
NOTES
OF
95'

Enclosed:

- "General Information Concerning Patents." See page _____
- Copy of a patent to assist applicant in making corrections.
- "Notice to File Missing Parts of Application," Form PTO-1532.
- Other: *o Guide to Filing a Late Application*

J.Y.
Application Processing Division
(703) 308-1202

FAX 703-308-2840

CONTACT PERSON: MRS. STROUD